IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK ROBERT QUIROZ,	No. C 11-0016 LHK (PR)
Plaintiff,	ORDER ADDRESSING PENDING OMETIONS
v.	(Docket Nos. 214, 216, 219)
ROBERT A. HOREL, et al.,	) )
Defendants.	

On July 16, 2013, plaintiff, a state prisoner proceeding *pro se*, filed a third amended civil rights complaint pursuant to 42 U.S.C. § 1983. Upon screening, the court ordered it served upon named defendants. On October 15, 2013, defendant D. Short filed a motion for summary judgment. On October 29, 2013, defendants J. F. Akin, D. Barneburg, J. Barneburg, K. Brandon, S. Burris, Matthew Cate, C. Coulter, C. Countess, G. D'Errico, A. Dornback, A. Hernandez, Robert A. Horel, Francisco Jacquez, G. D. Lewis, K. McGuyer, M. J. Nimrod, M. Pena, G. Pimentel, J. Puente, R. Rice, Chris Wilber, and M. Winingham filed a motion to dismiss and motion for summary judgment.

Plaintiff has filed a motion for the court to order Pelican Bay State Prison to allow plaintiff to obtain declarations from inmate witnesses in support of plaintiff's opposition to defendants' motions for summary judgment. Plaintiff declares that, because he is in the Secured Housing Unit ("SHU"), Pelican Bay State Prison's policy is to only allow an inmate to obtain other SHU inmates' declarations if ordered to do so by the court. Plaintiff's motion is DENIED.

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The court is reluctant to get involved with prison procedures and policies regarding what is and 1 what is not permissible behavior or requests from individual prisoners. Courts owe "substantial 2 deference to the professional judgment of prison administrators." Overton v. Bazzetta, 539 U.S. 3 126, 132 (2003). However, the court recognizes that plaintiff believes he needs these 4 declarations to properly oppose defendants' motions. To that end, plaintiff is advised that the 5 court will accept declarations from inmate witnesses under separate cover on behalf of plaintiff, 6 if those declarations clearly identify this case name and number, and include the caption, 7 "DECLARATION IN SUPPORT OF PLAINTIFF'S OPPOSITION TO MOTION FOR 8 SUMMARY JUDGMENT." 9 Plaintiff has also filed a motion for extension of time to file oppositions to defendants' 10 motions. Plaintiff's motions are GRANTED. Plaintiff's oppositions to defendants' motion for 11 summary judgment and motion to dismiss are due no later than January 13, 2014. Defendants 12 shall file their replies within fourteen days thereafter. 13 Plaintiff has also filed a motion to compel discovery from defendant Short. Defendant 14

Short shall file a response within 14 days of the filing date of this order. Plaintiff shall file any reply within **7 days** thereafter.

hucy H. Koh

United States District Judge

This order terminates docket numbers 214, 216, and 219.

IT IS SO ORDERED.

DATED: 12/6/13

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